Draft to Clerk: Approved: Clerk:

# MINUTES OF THE REGULAR MEETING BOARD OF ZONING APPEALS February 9, 2006 7:30 P.M. CITY COUNCIL CHAMBERS, 10<sup>TH</sup> FLOOR CITY HALL

### I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

### Present:

B. Burgess G. Hilts G. Swix B. McGrain

E. Horne M. Mayberry A. Frederick

Absent: F. Lain

**Excused Absence:** J. Siebold

Staff: S. Stachowiak

A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

## II APPROVAL OF AGENDA

A. Frederick moved, seconded by B. McGrain to approve the agenda with the addition of "excused absence for J. Siebold" under new business. On a voice vote, the motion carried 7-0.

## III. <u>HEARINGS/ACTION</u> - NONE

# VI. <u>OLD BUSINESS</u>

- A. Rules of Procedure No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue No action
- C. <u>BZA-3867.05, 5031 S. Cedar Street (Tabled from 1/12/06)</u>

B. McGrain moved, seconded by A. Frederick to remove BZA3867.05 from the tabled. On a voice vote, (7-0), the motion carried unanimously.

Ms. Stachowiak gave a brief overview of the request. She stated that the applicant is

proposing to install a new 100 square foot, 20 foot high pole sign at 5031 S. Cedar Street that would have a setback of 4 feet from the front property line along S. Cedar Street and a setback of 12 feet from the front property line along E. Jolly Road. Section 1442.12 (h)(5) of the Sign Code requires a minimum front yard setback of 23 feet for a sign with these dimensions. Variances of 19 feet to the front yard setback requirement along S. Cedar Street and a variance of 11feet to the front yard setback requirement along E. Jolly Road are therefore, being requested. Ms. Stachowiak stated that originally, the applicant was proposing a setback of 3 feet from the Jolly Road property line. The amended request is to increase the setback to 12 feet from the Jolly Road property line. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Mr. Frederick stated that the BZA denied a sign variance request from the Ford Dealership years ago. He said that it would not be fair to turn around and approve this request. Mr. Frederick said that the parking lot could be redesigned to accommodate an appropriate location for the sign at the required setback. He stated that the sign can go up to 30 feet in height and therefore, it can still be an effective sign, even if it is moved further in on the property. Mr. Frederick stated that he cannot support the request.

Mr. Swix stated that moving the sign further back on the property causes drivers to have to turn the head to see it which can be dangerous in a congested area. He stated that the proposed location makes sense and he is able to support the request.

Mr. Burgess stated that every case is unique and therefore, no issue of fairness exists. He said that in this case, the sign could obstruct circulation if it were to be moved further in on the property.

Mr. Frederick stated that the signs on the building are very effective, particularly since a motorist almost always has to stop at the intersection light which provides an opportunity to read the signs.

Ms. Horne stated that she is concerned that if Jolly Road is improved and more right-of-way is needed, the sign may be an obstruction.

Ms. Stachowiak stated that there is some excess right-of-way on Jolly Road right now and furthermore, the sign will be far enough in from Jolly Road that future expansion should not be a problem. She also said that there are other signs in the area that are situated equally as close to Jolly Road as the proposed sign.

Mr. Frederick stated that the hardship in this case is self-imposed. He said that the applicant has not explored other alternatives such as located the sign up near the building. He said that at 30 feet, it would be higher than the building itself and would be visible to traffic from all angles.

Mr. Swix stated that the sign could interfere with on-site traffic if it is in the center of the parking lot. He said that he does not like the sign clutter, but he also does not want the sign to be an obstacle for drivers in the parking area.

General discussion ensued regarding possible alternative locations for the sign, its impact on internal circulation and its ability to be an effective sign given the constraints in the area Ms. Stachowiak stated that she wanted to make it clear to the applicant that the sign setback

is measured from the sign itself rather than the pole.

G. Swix moved to approve BZA-3867.05, a variance to permit a 100 square foot, 20 foot high ground sign at 5031 S. Cedar Street that would have a setback of 12 feet from the property line along Jolly Road and a setback of 4 feet from the property line along Cedar Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e). Seconded by B. McGrain.

VOTE	YEA	NAY
Frederick		х
Swix	х	
Horne	х	
Mayberry	х	
McGrain	х	
Hilts	х	
Burgess	X	

Motion carried, 6-1, BZA-3867.05, was approved.

## VII. PUBLIC COMMENT - None

# VIII. APPROVAL OF MINUTES

## A. <u>Minutes of Regular Meeting held January 12, 2006</u>

A. Frederick moved, seconded by B. McGrain to approve the minutes of January 12, 2006, as printed. On a voice vote, the motion carried unanimously, 7-0.

# IX. NEW BUSINESS

### A. Excused Absence

E. Horne moved, seconded by A. Frederick to approve an excused absence for J. Siebold for this meeting. On a voice vote, the motion carried unanimously, 7-0.

### X. ADJOURNMENT AT 8:05 p.m.

Respectfully submitted,	
Susan Stachowiak, Zoning Administrator	